

PLAN GENERATED TWO YEARS AGO

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How Remark Inspired 'Swap'

By CHARLES ROLAND

One of the most famous "swaps" in American history grew out of a remark attorney James Britt Donovan made, almost two years ago, to his wife, Mary, over the dinner table.

"You know, I think it would be a good idea to swap these two men, Francis Gary Powers and Rudolf Abel."

Mr. Donovan had been the court-appointed lawyer for Col Abel. Prophetically, at the 1957 trial of the Soviet spy, he had asked that Abel's life be spared—for a possible future exchange.

WIFE GETS MESSAGE

His idea reached its culmination yesterday. His wife, at home, 35 Prospect Park W., Brooklyn, received this message from him:

"Returning today from Berlin after exchanging Abel for U-2 Pilot Francis Powers and another American (Frederic L. Pryor). Should be home late tonight. Love to all."

Mrs. Donovan received the message shortly after her interview with the N. Y. Journal-American, in which she said: "When the U-2 case came into the open, exciting all the world, Jim was deeply distressed over the pilot's plight. And, as far as I know, it was my husband who originated the idea for the swap."

"When he got the idea, the next thing he said was that it could be done, and ought to be done, and he went at it."

PROUD CHILDREN

In her penthouse apartment Mrs. Donovan, slight, attractive, blue-eyed, shared her hour of pride with two of the three children, Mary Ellen, 12, a pupil at St. Xavier's parochial school, and John, 17, week-ending at home from Northwood School, Lake Placid.

The eldest, Jane, 18, was on the phone, from Marymount College, Arlington, Va.

What Mr. Donovan said, after Col. Abel was convicted,



AP Wirephoto

JAMES B. DONOVAN
Powers' Lawyer Helped

Oct. 25, 1957, and faced the death sentence for stealing atomic secrets, was:

"It is better to have him alive, so he may be used for negotiations to free an American spy, if one were caught in the Soviet Union."

Acting on this request Judge Mortimer Beyers, in Brooklyn Federal Court, sentenced Abel to 30 years in prison.

About two years ago Abel's wife, from East Berlin, wrote attorney Donovan, asking if

clemency were possible.

Mr. Donovan, a former Navy Commander, one-time counsel to the OSS when it was headed by Col. William "Wild Bill" Donovan — no relation, one-time aide to Supreme Court Justice Jackson at the Nuremberg trials — was touched by

Mrs. Abel's letter.

He took it to the Department of Justice, and at their advice, wrote Mrs. Abel that the matter was one for the President alone to decide.

Mrs. Abel wrote the White House. Her letter was referred to the Department of Justice. Its pardons attorney, Reed Cozart, rejected the plea.

A correspondence developed between Mrs. Abel and attorney Donovan. The lawyer kept Atty. Gen. Robert F. Kennedy personally informed.

Early in July, 1960, Mr. Donovan went to Switzerland. In Zurich he met Mrs. Abel's lawyer from East Berlin. There was no immediate result.

Six weeks ago the Department of Justice authorized Mr. Donovan to go to East Berlin to proceed with the matter.

SECRET ERRAND

This errand, when Mr. Donovan left two weeks ago, was so secret that he withheld it from his law partners, his secretary, Mrs. M. E. McInturff — even from his wife.

At the office of his law firm, Watters & Donovan, on the 19th floor of 161 William St., a prized possession on display was the photograph of the U. S. Supreme Court when he argued the Abel appeal. All the justices had autographed it and presented it to him.

Chief Justice Warren at the time had said:

"No man has undertaken a more arduous, and more self-sacrificing task."

When Federal Judge Matthew T. Abruzzo appointed him on Aug. 20, 1957, to defend Abel, Mr. Donovan soon afterward said:

"I ran into extraordinary hostility, even from old friends, for defending Abel — when it was only my duty."

A Fordham graduate '37, Harvard Law '40, Mr. Donovan presented his \$10,000 fee to those two colleges and Columbia Law School.

He is vice president of the Board of Education, a member of the Municipal Art Commission, trustee of Brooklyn Museum, and the Brooklyn Institute of Arts and Sciences.

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